

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PETER LOUIS FINEGAN,  
Petitioner,  
v.

No. C 08-5037 CW (PR)  
ORDER OF DISMISSAL WITHOUT  
PREJUDICE

SANTA CRUZ COUNTY,  
Respondent.

Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 20, 2009, mail directed to Petitioner by the Court was returned to the Clerk of the Court with a notation that it was undeliverable. To date, Petitioner has not updated his address with the Court or submitted any further pleadings in this case.

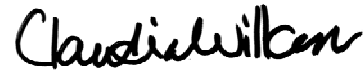
Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by the court has been returned to the court as not deliverable, and

1 (2) the court fails to receive within sixty days of this return a  
2 written communication from the pro se party indicating a current  
3 address. See L.R. 3-11(b).

4 More than sixty days have passed since the mail directed to  
5 Petitioner by the Court was returned as undeliverable. The Court  
6 has not received a notice from Petitioner of a new address.  
7 Accordingly, the petition is DISMISSED without prejudice pursuant  
8 to Rule 3-11 of the Northern District Local Rules. The Clerk of  
9 the Court shall enter judgment in accordance with this Order,  
10 terminate all pending motions, and close the file.

11 IT IS SO ORDERED.

12 Dated: 3/25/09



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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

PETER LOUIS FINEGAN,

Plaintiff,

v.

SANTA CRUZ COUNTY et al,

Defendant.

Case Number: CV08-05037 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 25, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Peter Louis Finegan 066858  
Santa Cruz County Main Jail  
259 Water Street  
Santa Cruz, CA 95060

Dated: March 25, 2009

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk

United States District Court  
For the Northern District of California